

107TH CONGRESS  
1ST SESSION

# S. 1466

To amend the Consolidated Farm and Rural Development Act to provide grants for special environmental assistance for the regulation of communities and habitat (“SEARCH grants”) to small communities.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2001

Mr. CRAPO (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Consolidated Farm and Rural Development Act to provide grants for special environmental assistance for the regulation of communities and habitat (“SEARCH grants”) to small communities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Project SEARCH Act  
5       of 2001”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) small communities often struggle to meet  
 2           environmental goals because of difficulty in securing  
 3           funding;

4           (2) often, sources of funding for environmental  
 5           projects require expensive, complex studies or other  
 6           application materials;

7           (3) a small community that secures funding for  
 8           an environmental project from a traditional source  
 9           often is unable to provide matching funds required  
 10          by the traditional source; and

11          (4) small communities would benefit from a  
 12          grant program designed to provide funding for envi-  
 13          ronmental projects—

14                (A) through a simplified application proc-  
 15                ess; and

16                (B) without the requirement of matching  
 17                funds.

18 **SEC. 3. SEARCH GRANTS FOR SMALL COMMUNITIES.**

19          The Consolidated Farm and Rural Development Act  
 20          (7 U.S.C. 1921 et seq.) is amended by adding at the end  
 21          the following:

22          **“Subtitle G—SEARCH Grants for**  
 23               **Small Communities**

24          **“SEC. 391. DEFINITIONS.**

25          “In this subtitle:

1           “(1) COUNCIL.—The term ‘council’ means an  
2           independent citizens’ council established by section  
3           392(b).

4           “(2) ENVIRONMENTAL PROJECT.—

5                 “(A) IN GENERAL.—The term ‘environ-  
6           mental project’ means a project that—

7                     “(i) benefits human health or the en-  
8                     vironment; and

9                     “(ii) is necessary to comply with an  
10           environmental law (including a regulation).

11                 “(B) INCLUSION.—The term ‘environ-  
12           mental project’ includes an initial feasibility  
13           study of a project.

14           “(3) REGION.—The term ‘region’ means a geo-  
15           graphic area of a State, as determined by the Gov-  
16           ernor of the State.

17           “(4) SEARCH GRANT.—The term ‘SEARCH  
18           grant’ means a grant for special environmental as-  
19           sistance for the regulation of communities and habi-  
20           tat awarded under section 392(c)(3).

21           “(5) SMALL COMMUNITY.—The term ‘small  
22           community’ means an incorporated or unincor-  
23           porated rural community having a population of not  
24           more than 2,500 individuals.

1 “(6) STATE.—The term ‘State’ has the mean-  
 2 ing given the term in section 381A.

3 **“SEC. 392. SEARCH GRANT PROGRAM.**

4 “(a) IN GENERAL.—

5 “(1) ESTABLISHMENT.—There is established  
 6 the SEARCH Grant Program.

7 “(2) STATE REQUIREMENTS.—

8 “(A) IN GENERAL.—Not later than Octo-  
 9 ber 1 of each fiscal year, a State may submit  
 10 to the Secretary an application to receive a  
 11 grant under paragraph (3) for the fiscal year.

12 “(B) APPLICATION REQUIREMENTS.—An  
 13 application under subparagraph (A) shall  
 14 contain—

15 “(i) a certification by the State that  
 16 the State has appointed members to the  
 17 council of the State under subsection  
 18 (b)(2)(C); and

19 “(ii) such information as the Sec-  
 20 retary may reasonably require.

21 “(3) GRANT TO STATE.—Not later than 60  
 22 days after the date on which the Office of Manage-  
 23 ment and Budget apportions any amounts made  
 24 available under this subtitle, for each fiscal year

1 after the date of enactment of this subtitle, the Sec-  
 2 retary shall, on request by a State—

3 “(A) determine whether any application  
 4 submitted by the State under paragraph (2)  
 5 meets the requirements of that paragraph; and

6 “(B) subject to section 394(b) and sub-  
 7 section (c)(4)(B), if the Secretary determines  
 8 that the application meets the requirements of  
 9 paragraph (2)(B), award a grant of not to ex-  
 10 ceed \$1,000,000 to the State, to be used by the  
 11 council of the State to award SEARCH grants  
 12 under subsection (b)(3).

13 “(b) INDEPENDENT CITIZENS’ COUNCIL.—

14 “(1) ESTABLISHMENT.—There is established in  
 15 each State an independent citizens’ council to carry  
 16 out the duties described in this section.

17 “(2) COMPOSITION.—

18 “(A) IN GENERAL.—Each council shall be  
 19 composed of 9 members, appointed by the Gov-  
 20 ernor of the State.

21 “(B) REPRESENTATION; RESIDENCE.—  
 22 Each member of a council shall—

23 “(i) represent an individual region of  
 24 the State, as determined by the Governor

1 of the State in which the council is estab-  
2 lished; and

3 “(ii) reside in a small community of  
4 the State.

5 “(C) APPOINTMENT.—Before a State re-  
6 ceives funds under this subtitle, the State shall  
7 appoint members to the council for the fiscal  
8 year, except that not more than 1 member shall  
9 be an agent, employee, or official of the State  
10 government.

11 “(D) CHAIRPERSON.—Each council shall  
12 select a chairperson from among the members  
13 of the council, except that a member who is an  
14 agent, employee, or official of the State govern-  
15 ment shall not serve as chairperson.

16 “(E) FEDERAL REPRESENTATION.—An  
17 agent, employee, or official of the Federal Gov-  
18 ernment may participate in the activities of the  
19 council—

20 “(i) in an advisory capacity; and

21 “(ii) at the invitation of the council.

22 “(3) SEARCH GRANTS.—

23 “(A) IN GENERAL.—Each council shall re-  
24 view applications for, and recommend awards

1 of, SEARCH grants to small communities that  
 2 meet the eligibility criteria under subsection (c).

3 “(B) RECOMMENDATIONS.—In awarding a  
 4 SEARCH grant, a State—

5 “(i) shall follow the recommendations  
 6 of the council of the State;

7 “(ii) shall award the funds for any  
 8 recommended environmental project in a  
 9 timely and expeditious manner; and

10 “(iii) shall not award a SEARCH  
 11 grant to a grantee or project in violation of  
 12 any law of the State (including a regula-  
 13 tion).

14 “(C) NO MATCHING REQUIREMENT.—A  
 15 small community that receives a SEARCH  
 16 grant under this section shall not be required to  
 17 provide matching funds.

18 “(c) SEARCH GRANTS FOR SMALL COMMU-  
 19 NITIES.—

20 “(1) ELIGIBILITY.—A SEARCH grant shall be  
 21 awarded under this section only to a small commu-  
 22 nity for 1 or more environmental projects for which  
 23 the small community—

1           “(A) needs funds to carry out initial feasi-  
 2           bility or environmental studies before applying  
 3           to traditional funding sources; or

4           “(B) demonstrates, to the satisfaction of  
 5           the council, that the small community has been  
 6           unable to obtain sufficient funding from tradi-  
 7           tional funding sources.

8           “(2) APPLICATION.—

9           “(A) DATE.—The council shall establish  
 10          such deadline by which small communities shall  
 11          submit applications for grants under this sec-  
 12          tion as will permit the council adequate time to  
 13          review and make recommendations relating to  
 14          the applications.

15          “(B) LOCATION OF APPLICATION.—A  
 16          small community shall submit an application  
 17          described in subparagraph (A) to the council in  
 18          the State in which the small community is lo-  
 19          cated.

20          “(C) CONTENT OF APPLICATION.—An ap-  
 21          plication described in subparagraph (A) shall  
 22          include—

23                 “(i) a description of the proposed en-  
 24                 vironmental project (including an expla-  
 25                 nation of how the project would assist the



1 small community in complying with an en-  
 2 vironmental law (including a regulation));

3 “(ii) an explanation of why the project  
 4 is important to the small community;

5 “(iii) a description of all actions taken  
 6 with respect to the project, including a de-  
 7 scription of any attempt to secure funding  
 8 and a description of demonstrated need for  
 9 funding for the project, as of the date of  
 10 the application; and

11 “(iv) a SEARCH grant application  
 12 form provided by the council, completed  
 13 and with all required supporting docu-  
 14 mentation.

15 “(3) REVIEW AND RECOMMENDATION.—

16 “(A) IN GENERAL.—Except as provided in  
 17 subparagraph (B), not later than March 5 of  
 18 each fiscal year, each council shall—

19 “(i) review all applications received  
 20 under paragraph (2); and

21 “(ii) recommend for award SEARCH  
 22 grants to small communities based on—

23 “(I) an evaluation of the eligi-  
 24 bility criteria under paragraph (1);  
 25 and

1                   “(II) the content of the applica-  
2                   tion.

3                   “(B) EXTENSION OF DEADLINE.—The  
4                   State may extend the deadline described in sub-  
5                   paragraph (A) by not more than 10 days in a  
6                   case in which the receipt of recommendations  
7                   from a council under subparagraph (A)(ii) is  
8                   delayed because of circumstances beyond the  
9                   control of the council, as determined by the  
10                  State.

11               “(4) UNEXPENDED FUNDS.—

12               “(A) IN GENERAL.—If, for any fiscal year,  
13               any unexpended funds remain after SEARCH  
14               grants are awarded under subsection (b)(3)(B),  
15               the council may repeat the application and re-  
16               view process so that any remaining funds may  
17               be recommended for award, and awarded, not  
18               later than July 30 of the fiscal year.

19               “(B) RETENTION OF FUNDS.—

20               “(i) IN GENERAL.—Any unexpended  
21               funds that are not awarded under sub-  
22               section (b)(3)(B) or subparagraph (A)  
23               shall be retained by the State for award  
24               during the following fiscal year.

1                   “(ii) LIMITATION.—A State that accu-  
2                   mulates a balance of unexpended funds de-  
3                   scribed in clause (i) of more than  
4                   \$3,000,000 shall be ineligible to apply for  
5                   additional funds for SEARCH grants until  
6                   such time as the State expends the portion  
7                   of the balance that exceeds \$3,000,000.

8   **“SEC. 393. REPORT.**

9           “Not later than September 1 of the first fiscal year  
10   for which a SEARCH grant is awarded by a council, and  
11   annually thereafter, the council shall submit to the Sec-  
12   retary a report that—

13                   “(1) describes the number of SEARCH grants  
14                   awarded during the fiscal year;

15                   “(2) identifies each small community that re-  
16                   ceived a SEARCH grant during the fiscal year;

17                   “(3) describes the project or purpose for which  
18                   each SEARCH grant was awarded, including a  
19                   statement of the benefit to public health or the envi-  
20                   ronment of the environmental project receiving the  
21                   grant funds; and

22                   “(4) describes the status of each project or por-  
23                   tion of a project for which a SEARCH grant was  
24                   awarded, including a project or portion of a project  
25                   for which a SEARCH grant was awarded for any

1       fiscal year before the fiscal year in which the report  
2       is submitted.

3   **“SEC. 394. FUNDING.**

4       “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out section  
6 392(a)(3) \$50,000,000.

7       “(b) ACTUAL APPROPRIATION.—If funds to carry out  
8 section 392(a)(3) are made available for a fiscal year in  
9 an amount that is less than the amount authorized under  
10 subsection (a) for the fiscal year, the appropriated funds  
11 shall be divided equally among the 50 States.

12       “(c) UNUSED FUNDS.—If, for any fiscal year, a State  
13 does not apply, or does not qualify, to receive funds under  
14 section 392(a)(2), the funds that would have been made  
15 available to the State under section 392(a)(3) on submis-  
16 sion by the State of a successful application under section  
17 392(a)(2) shall be redistributed for award under this sub-  
18 title among States, the councils of which awarded 1 or  
19 more SEARCH grants during the preceding fiscal year.

20       “(d) OTHER EXPENSES.—There are authorized to be  
21 appropriated such sums as are necessary to carry out the  
22 provisions of this subtitle (other than section 392(a)(3)).”.

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